

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

CAR-FRESHENER CORPORATION, <i>et al.</i>)	
)	
Plaintiffs,)	
)	Case No. 5:19-cv-01158-GTS-ATB
v.)	
)	MOTION TO STAY PENDING
SCENTED PROMOTIONS, LLC, <i>et al.</i>)	DECISION ON DEFENDANTS'
)	OBJECTIONS
Defendants.)	
)	
)	
)	

Defendants Scented Promotions, LLC (“Scented Promotions”), Paulina Slusarczyk and Slawomir M. Warzocha respectfully move the Court to stay further proceedings in this case until the resolution of the Defendants’ pending objections to the Magistrate’s Order on their Motion to Vacate the Entry of Default. As grounds for this motion, the Defendants state as follows:

1. Plaintiffs filed their complaint on September 18, 2019.
2. Plaintiffs filed their Request for Entry of Default on December 3, 2019; and, the Clerk’s Entry of Default was entered on December 5, 2019.
3. Defendants filed their Motion to Vacate Entry of Default on January 20, 2020.
4. On January 24, 2020, Plaintiffs filed their Motion for Entry of Default Judgment.
5. Given the prior pendency of Defendants’ Motion to Vacate Entry of Default, the Court stayed Plaintiffs’ Motion for Default Judgment until resolution of Defendants’ Motion, in the interest of judicial economy.
6. Following the submission of briefs by the parties, the Magistrate Judge on March 12, 2020 entered an Order granting Defendants’ Motion as respects Counts I-V, and

denied Defendants' Motion as respects Counts VI-IX. Pursuant to said Order, Defendants' Response to Plaintiffs' Motion for Default Judgment is due on or before May 4, 2020; and, Plaintiffs' pleading in response to Counts I-V of the Complaint is due on or before May 11, 2020.

7. On April 27, 2020, Defendants' filed their Objections to the Magistrate's Order.

8. Plaintiffs' response to Defendants' Objections are due on or before May 12, 2020.

9. In the interest of judicial economy, Defendants' respectfully request the Court to re-instate the stay of Plaintiffs' Motion for Default Judgment, and adjourn the date for Defendants' responsive pleading to Counts I-V of the Complaint, until such time following the Court's resolution of Defendants' Objections to the Magistrate's Order that it deems just and proper.

10. Good cause exists for this stay for the same reason as the previous stay which was entered during the pendency of the motion, the ruling on which is being appealed. The Defendants cannot accurately respond to the Motion for Default Judgment at this time, because the status of the default is still in questions due to the pending objections. Indeed, if the Court were to sustain the Defendants' objections, the Motion for Default Judgment would be moot.

11. Therefore, in the interests of both conserving the resources of the Court, as well as conserving the parties' resources by not requiring them to respond to issues which may be mooted, the Court should stay all further proceedings pending the resolution of the pending objections.

12. Defendants' respectfully submit that Plaintiffs will not be prejudiced by this stay

13. This is a good faith request, which is being filed without the intent to hinder or delay these proceedings.

Wherefore, the Court should GRANT the Defendants' request for a stay of further proceedings in this case until the resolution of the Defendants' pending objections to the Magistrate's Order on their Motion to Vacate the Entry of Default.

Dated: May 4, 2020

Respectfully submitted,

s/Byron A. Bilicki

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CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2020, the foregoing document was electronically filed via CM/ECF in the United States District Court for the Northern District of New York, and thereafter electronically served upon:

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Respectfully submitted,

s/Carl A. Hjort, III

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